

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Susan A. Wilson, )  
Plaintiff, ) C/A No.: 0:05-2445-MBS  
vs. )  
Jo Anne B. Barnhart, Commissioner of )  
Social Security, )  
Defendant. )  
\_\_\_\_\_  
)

**OPINION AND ORDER**

Plaintiff Susan A. Wilson filed an application for disability insurance benefits on April 28, 2003, alleging disability commencing January 15, 2003 because of allergies, mental disorders, and the residual effects of breast cancer. The application was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge (“ALJ”). The ALJ held a hearing on February 25, 2005. On July 8, 2005, the ALJ issued a decision that Plaintiff was not entitled to a period of disability or disability insurance benefits under sections 216(i) and 223, respectively, of the Social Security Act. The decision of the ALJ became the “final decision” of the Commissioner on August 19, 2005, after the Appeals Council determined that there was no basis for granting Plaintiff’s request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. On August 22, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the Commissioner’s decision be reversed and the case remanded for additional proceedings. No party filed objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and

Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, for the reasons set out herein and in the Report and Recommendation,

It is ORDERED that the Commissioner's decision be **reversed** and the case **remanded** to the Commissioner for the purpose of re-evaluating the medical evidence, the obtaining of vocational expert testimony to establish whether any jobs that Plaintiff can perform with her limitations exist in sufficient numbers, and for such further administrative action as is deemed necessary and appropriate.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

September 13, 2006.